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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BARBARA PERRY,

Plaintiff,

VS.

**PERDUE FOODS, LLC and COLEMAN
NATURAL FOODS, LLC**

Defendants

CASE NO.: 3:17-cv-03502-JST

Judge Jon S. Tigar
Courtroom 9 – 19th Floor

Mag. Judge Jacqueline Scott Corley
Courtroom F – 15th Floor

**JOINT STIPULATION TO EXTEND
EXPERT DISCOVERY DEADLINES**

Complaint filed: June 16, 2017
Trial date: June 10, 2019

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18 Attorneys for Defendant
19 PERDUE FOODS LLC dba Coleman Natural Foods
20 (erroneously sued as Coleman Natural Foods, LLC)

1 **JOINT STIPULATION TO EXTEND EXPERT DISCOVERY DEADLINES**

2 Plaintiff BARBARA PERRY (“Plaintiff”) and Defendant PERDUE FOODS LLC
3 dba Coleman Natural Foods (erroneously sued as Coleman Natural Foods, LLC)
4 (“Defendant”), by and through their counsel of record, hereby jointly stipulate and
5 respectfully request that the Court extend expert discovery deadlines sixty (60) days as
6 follows: (1) expert disclosures from February 8, 2019 to April 9, 2019; (2) expert rebuttals
7 from February 22, 2019 to April 23, 2019; and (3) expert discovery cut-off from March 22,
8 2019 to May 21, 2019. The Parties are not requesting a continuance of the June 10, 2019
9 trial

10 In support of this stipulation, the Parties state as follows:

11 WHEREAS, counsel for Plaintiff will move to withdraw as counsel of record for
12 Plaintiff and will file a Motion to Withdraw by February 5, 2019;

13 WHEREAS, in light of Plaintiff’s counsel need to withdraw, the Parties desire to
14 continue expert discovery deadlines to provide Plaintiff’s counsel with adequate time to
15 withdraw and for Plaintiff to retain new counsel to conduct expert discovery, while saving
16 associated expert discovery costs until Plaintiff has retained new counsel;

17 WHEREAS, this Court entered its initial Pretrial Scheduling Order (“Scheduling
18 Order”) on September 20, 2017 (Docket number 28);

19 WHEREAS, Plaintiff and Defendant entered into a stipulation to continue fact
20 discovery deadlines, expert discovery deadlines, and dispositive motion deadlines only on
21 June 12, 2018;

22 WHEREAS, on June 14, 2018, this Court continued fact discovery deadlines, expert
23 discovery deadlines, dispositive motion deadlines, and continued the trial date to April 8,
24 2019 (Docket number 37);

1 WHEREAS, Plaintiff and Defendant entered into a second stipulation to continue
2 fact discovery, expert discovery, dispositive motion deadlines, and the trial date on August
3 22, 2018;

4 WHEREAS, on August 27, 2018, this Court continued fact discovery deadlines,
5 expert discovery deadlines, dispositive motion deadlines, and continued the trial date to
6 June 10, 2019 (Docket number 39);

7 WHEREAS, on December 21, 2018, the Parties filed an initial Joint Stipulation to
8 Extend Expert Discovery Deadlines by approximately one month as the Parties deferred
9 costs until mediation on December 19, 2018. However, mediation was unsuccessful
10 (Docket number 56);

11 WHEREAS, on December 21, 2018, the Court granted the Parties Stipulation to
12 Extend Expert Discovery Deadlines to the current deadlines (Docket number 57);

13 WHEREAS, the Parties have completed all fact discovery except for the continued
14 deposition of Barbara Davis, which is scheduled to take place on February 1, 2019 at 5:00
15 p.m. Counsel for Plaintiff will take this deposition;

16 WHEREAS, although the Parties were prepared to meet the expert disclosure
17 deadline of February 8, 2019, with the new development that Plaintiff's counsel must
18 withdraw, Plaintiff desires additional time to conduct expert discovery with her new
19 counsel when one is retained;

20 WHEREAS, counsel for Plaintiff will move to withdraw as counsel of record for
21 Plaintiff and will file a Motion to Withdraw as soon as possible;

22 WHEREAS, Local Rule 7-2 requires a 35-day notice period;

23 WHEREAS, Defendant does not intend to oppose Plaintiff's Motion to Withdraw;

24 WHEREAS, based on the progress of this case, an extension of the deadlines for
25 expert discovery will allow the Parties to appropriately prepare for trial;

1 WHEREAS, the Parties are not requesting a continuance of the trial date;

2 WHEREAS, based on the progress of this case, an extension of the deadlines for
3 disclosing expert witnesses and completing expert discovery will allow the Parties to
4 resolve Plaintiff's counsel's Motion to Withdraw and give the Parties sufficient time to
5 complete expert discovery prior to trial;

6 WHEREAS, the proposed extension of the deadlines for expert discovery will not
7 delay or prejudice the timely resolution of this case;

8 WHEREAS, Federal Rule of Civil Procedure 16(b)(4) requires good cause and
9 judicial consent as prerequisites to modifying a scheduling order; and

10 THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order from
11 this Court permitting the following new deadlines:

Event	Date
Expert disclosures	April 9, 2019
Expert rebuttal	April 23, 2019
Expert discovery cut-off	May 21, 2019

17 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.



20 DATED: January 31, 2019 /s/ Tanya Tambling _____

21 Attorney for Plaintiff

24 DATED: January 31, 2019 /s/ Erin W. Kendrella _____

25 Attorney for Defendant

Dated: February 1, 2019